

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

SAM KHOLI ENTERPRISES, INC.

Plaintiff

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TOM R. THOMPSON

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THOMPSON TRUCKING,

Defendant,

Civil Action No. W-08-CA-105

v.

SAM KHOLI,

Third-Party Defendant.

**ORDER**

Before the Court is a “Motion to Enforce” filed by Tom R. Thompson d/b/a Thompson Trucking [Document 143]. Having reviewed the Motion, and the litigation history of the parties, this Court is persuaded that the Motion is meritorious and should be granted pursuant to Federal Rules of Civil Procedure 70 and 71 and Texas Business and Commerce Code Chapter 24 and specifically Sections 24.005, 24.008 and 24.013.

The Court finds that the Deed of Trust recorded on August 10, 2009 in the real property records of Potter County, Texas as Document Number 01156853 and in Volume 4139 at Page 474 (herein referred to as “Deed of Trust”), which conveyed real property located at 0 Interstate 40 East, Amarillo, Potter County, Texas 79118, and 11301 Interstate 40 East, Amarillo, Potter County, Texas 79118 (herein referred to as “the Subject Property”) from Sam Kholi Enterprises, Inc., Grantor, to Pierre El-Khoauli, Grantee, and purported to secure the payment of a promissory note in the amount of \$1,150,000.00 was a fraudulent transfer and is void.

The Court finds that the Foreclosure Sale Deed dated January 4, 2011 and recorded in the real property records of Potter County, Texas as Document Number 01187673 and in Volume 4285 at Page 528 (herein referred to as the “Foreclosure Sale Deed”) whereby John A. Wise, as Substitute Trustee, Grantor, sold the Subject Property encumbered by the Deed of Trust to Pierre El-Khoauli, Grantee, for consideration in the amount of \$600,000.00 was a fraudulent transfer and is void.

The Court further finds that Warranty Deed recorded in Volume 4428 at Page 584 of the real property records of Potter County, Texas on February 24, 2011 (herein referred to as the “Warranty Deed”), which conveyed the Subject Property from Pierre El-Khoauli, Grantor to Rhode Island Center, Inc., Grantee was a fraudulent transfer and is void.

The Court orders that the 1) Deed of Trust recorded on August 10, 2009 in the real property records of Potter County, Texas as Document Number 01156853 and in Volume 4139 at Page 474, 2) Foreclosure Sale Deed dated January 4, 2011 and recorded in the real property records of Potter County, Texas as Document Number 01187673 and in Volume 4285 at Page 528, and 3) Warranty Deed recorded in Volume 4428 at Page 584 of the real property records of Potter County, Texas on February 24, 2011 are cancelled and set aside as fraudulent.

Accordingly, it is **ORDERED** that Thompson’s Motion to Enforce is **GRANTED**. The Court **ORDERS** that the Grantees of the above described Deed of Trust, Foreclosure Sale Deed and the Warranty Deed are divested of all right, title, interest and claim in and to the Subject Property.

The Court **ORDERS** that all right, title, interest and claim in and to the real property located at 0 Interstate 40 East, Amarillo, Potter County, Texas 79118 and 11301 Interstate 40 East, Amarillo, Potter County, Texas 79118, more particularly described as:

**TRACT ONE:**

LOT1-A, Block 1, Pilot Acres Unit No. 2, being a replat of Lot 1, Block 1, Pilot Acres Unit NO. 1, an Addition to the City of Amarillo, and an unplatied portion of Section 52, Block 2, A.B. & M. Survey, Pottery, County, Texas according to the map or plat thereof recorded in Volume 2175, Page 675 of the Official Public Records of Pottery County, Texas.

**TRACT TWO:**

Lot 3, Block 1, Pilot Acres Unit No. 5, an Addition to the City of Amarillo, being an unplatied tract of land out of Section 52 and 59, Block 2, A.B. & M. Survey, Potter County, Texas according to the map or plat thereof recorded in Volume 2743, Page 520 of the Official Public Records of Potter County, Texas,

along with all of its fixtures, equipment, merchandise and other non-exempt personal property of any value is awarded to and title is vested in Tom R. Thompson d/b/a Thompson Trucking in at least partial satisfaction of this Court's Amended Judgment [Document 99] against Sam Kholi Enterprises, Inc. and Sam Kholi, Individually. It is further ordered that Sam Kholi, Sam Kholi Enterprises, Inc., Pierre El-Khoauli and Rhode Island Center, Inc. are divested of any right, title or interest in tract one and tract two described above, along with all of its fixtures, equipment, merchandise and other non-exempt personal property of any value.

The Court further **ORDERS** that Thompson is awarded the costs and reasonable attorney's fees incurred in bringing the Motion to Enforce [Document 143] in the amount of \_\_\_\_ and \_\_\_\_.

**SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

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**WALTER S. SMITH, JR.  
UNITED STATES DISTRICT JUDGE**